

# Stewart Smith

Partner

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## Biography

Stewart Smith was admitted to the Texas State Bar in 1985. He has been Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization since 1994. His areas of practice include general civil and commercial litigation, transportation litigation, construction disputes, insurance “bad faith” litigation, products liability, premises liability, large loss subrogation litigation, dram shop liability, railroad crossing liability, aviation litigation, Jones Act and maritime law litigation, worker’s compensation litigation, and Longshore and Harbor Worker’s Act litigation. Stewart has represented small and medium size businesses, large corporations, insurance companies and individuals. He has a strong record of success. Besides successfully defending companies and individuals in hundreds of lawsuits in state and federal court, he has recovered in excess of 55 million dollars in cash and credits on behalf of his subrogation clients.

Stewart has dedicated himself to providing his litigation clients with superior results while still maintaining cost efficiencies. He handles large exposures where multiple millions in property damage are alleged, as well as wrongful death litigation and catastrophic personal injuries, such as brain injuries and quadriplegic matters.

## Representative Experience

### Construction

Obtained summary judgment dismissal on behalf of framing contractor in case arising out of a building collapse resulting in Plaintiff’s brain injury  
Obtained summary judgment dismissal on behalf of national homebuilder in a fatality case where Plaintiff fell from an elevated height  
Successfully defended general contractor who constructed an art gallery in a case where water intrusion resulted in alleged multi-million dollar devaluation of rare painting

### Products Liability

Successfully defended manufacturer of pool cover for above ground swimming pool in case arising out of drowning death of an infant

### Subrogation

Successfully argued case of first impression involving application of the doctrine of equitable subrogation before Texas Supreme Court, *Frymire Engineering Company, Inc., by and through real party in interest, Liberty Mutual Insurance Company v. Jomar International, Ltd.*, 259 S.W. 3d 140

## Insurance Defense

Served as Managing Attorney for field litigation office of Fortune 100 insurance carrier

Obtained take nothing jury verdict in favor of concessions vendor client in case arising out of severe personal injuries suffered by elderly Plaintiff who was run over by a golf cart

Obtained take nothing jury verdict in favor of off duty police officer client who rear-ended Plaintiff's vehicle

Obtained take nothing jury verdict in favor of bowling alley client in slip and fall case

## Admissions

- State Courts of Texas
- United States District Court, Northern District of Texas
- United States District Court, Eastern District of Texas
- United States District Court, Western District of Texas
- United States District Court, District of Colorado
- United States Court Of Appeals, Fifth Circuit

## Professional Affiliations

- Dallas Bar Association
- State Bar of Texas

## Education

- J.D., Southern Methodist University, Dallas, 1984
- B.A., Bradley University, Peoria, Illinois, 1981

## Honors and Awards

- Board Certified Personal Injury Trial Law
- Texas Board of Legal Specialization

## Practices

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